

KELLEY DRYE & WARREN LLP

A LIMITED LIABILITY PARTNERSHIP

1200 19TH STREET, N.W.

SUITE 500

WASHINGTON, D.C. 20036

(202) 955-9600

NEW YORK, NY
TYSONS CORNER, VA

CHICAGO, IL

STAMFORD, CT

PARSIPPANY, NJ

BRUSSELS, BELGIUM

AFFILIATE OFFICES
JAKARTA, INDONESIA
MUMBAI, INDIA

FACSIMILE

(202) 955-9792

www.kelleydrye.com

August 3, 2005

TODD D. DAUBERT

DIRECT LINE (202) 955-9788

E-MAIL: tdaubert@kelleydrye.com

VIA ELECTRONIC MAIL DELIVERY

Marlene H. Dortch, Secretary
Federal Communications Commission
445 12th Street, S.W.
Washington, D.C. 20554

Re: Ex Parte Presentation by T-Mobile USA, Inc. in CC Docket No. 95-116

Dear Ms. Dortch:

Yesterday, Anna Miller and I, on behalf of T-Mobile USA, Inc.; Rosemary Emmer on behalf of Nextel Communications; Cronan O'Connell, Mary Retka, David Garner and Mike Whaley on behalf of Qwest Communications; Hoke Knox, Jeff Lindsey and Sue Tiffany on behalf of Sprint; and Karen Mulberry on behalf of MCI; met with Regina Brown, Cheryl Callahan, Marilyn Jones, Pam Slipakoff and Sanford Williams of the FCC to discuss NANC Change Orders 399 and 400 and to distribute the attached presentation.

Consistent with the positions outlined in the attached written presentations, T-Mobile, Nextel, Qwest, Sprint and MCI urged the Commission to withdraw its abeyance and allow both NANC 399 and NANC 400 to be included in NPAC Release 3.3 in an "inactive state." During the meeting, we explained that there is industry-wide consensus support for inclusion of NANC 399 in NPAC Release 3.3 in an inactive state.

We also explained that, although NANC did not reach consensus with respect to NANC 400, the LNPAWG reached consensus to recommend inclusion of NANC 400 in an "inactive state," and at least half of the industry favors including NANC 400 in an "inactive state" in Release 3.3. Including NANC 400 in an "inactive state" in Release 3.3 will not add any cost to the industry, but it will make it easier and less expensive to activate the option, whether on an industry-wide basis or for individual companies, if and when it becomes necessary in the future. By contrast, adding NANC 400 in a later Release will be more difficult and expensive for the entire industry. Since no party could be harmed by including NANC 400 in an "inactive state" in Release 3.3 and over half the industry wants NANC 400 available in an inactive state, the FCC

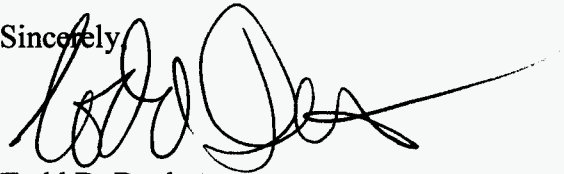
Marlene H. Dortch, Secretary
Federal Communications Commission
August 3, 2005
Page Two

should withdraw the abeyance and make the option available in an "inactive state" in Release 3.3.

Finally, we emphasized the need for immediate Commission action to withdraw its "abeyance" of NANC 399 and 400. Because the deadline for NPAC Release 3.3 is August 17, 2005, the Commission needs to act no later than August 9, 2005 or the software coding for NANC 399 and 400 most likely will not be finished before the deadline.

As required by Section 1.1206(b), this *ex parte* notification is being filed electronically for inclusion in the public record of the above-referenced proceeding, and a copy is being e-mailed to Regina Brown, Cheryl Callahan, Marilyn Jones, Pam Slipakoff and Sanford Williams. Please direct any questions regarding this matter to the undersigned.

Sincerely,

A handwritten signature in black ink, appearing to read 'Todd D. Daubert', with a long horizontal flourish extending to the right.

Todd D. Daubert,
Counsel for T-Mobile USA, Inc.

Attachment

cc: Regina Brown
Cheryl Callahan
Marilyn Jones
Pam Slipakoff
Sanford Williams

NANC Change Orders 399 and 400

Improving Portability by
Withdrawing the Abeyance

FCC Ex Parte Meeting

AUGUST 2, 2005

Background on the NPAC SMS Change Order Management Process

- In the Second LNP Order, the FCC authorized NANC to determine whether proposed NPAC changes should be approved.
 - The FCC also directed NANC to continue its oversight of the architectural, technical, and operational change management processes, which is done through the Local Number Portability Administration Working Group (LNPAWG).
- The current NPAC SMS Change Order (CO) Management Process consists of two steps:
 - **1) Step One: The LNPAWG recommends approval of a CO after completing a technical and operational review.**
 - **2) Step Two: The NAPM LLC determines whether the CO should be approved for an NPAC release by evaluating the NPAC Statement of Work (SOW) and a cost/benefit analysis.**

The LNPAWG has recommended that COs 399 and 400 be Included In an Inactive State In NPAC Release 3.3

- NANC 399 would add two new data fields:
 - Subscription Version (SV) Type, which indicates the service type of the ported number (e.g., wireline, wireless, reseller, VoIP or WiFi); and
 - Alternate Service Provider Identification (SPID), which indicates by telephone number whether the Old Service Provider (OSP) is a Service Provider or Network Service Provider in order to make ports involving non-facilities based providers more efficient.
- NANC 400 would add four new data Uniform Resource Identifiers (URI) fields to enable coordination and synchronization updates to SS7 and IP number portability databases.
 - This will provide routing in a portability environment for different types of services, including Voice, Multimedia Messaging Services (MMS), Push-to-Talk over Cellular (POC) and Presence To Support IP-Based Services

There Is Consensus for Implementation of NANC 399 in an Inactive State

- After extensive review, the LNPAWG reached consensus that NANC 399 should be included in Release 3.3 in an Inactive State
 - Implementation in an “Inactive State” makes a change available for the future.
- The Future of Numbering (FON) Working Group reached consensus that NANC 399 should be included in Release 3.3 in an inactive state.
- The NANC supported the FON recommendation and forwarded a letter to the FCC explaining that NANC 399 “should no longer be held in abeyance.”
- ***The FCC should immediately withdraw its “abeyance” directive so that NANC 399 can be included in an inactive state in NPAC Release 3.3 through the NPAC SMS Change Order Management Process.***

NANC 400 Is Beneficial and Should Proceed

- The LNPAWG reached consensus to recommend inclusion of NANC 400 in an “inactive state.”
- Although the NANC did not reach consensus to include NANC 400 in NPAC Release 3.3, there was no consensus that NANC 400 should not be implemented due to any policy issues.
 - Approximately half of the industry favors having the “option” for these NPAC data fields in the future.
- There are numerous benefits for implementing NANC 400 in an “inactive state.”
 - Today, there is no industry-wide mechanism for provisioning and synchronizing portability and pooled telephone number (TN) correction for current and future services, for example IP based services. NANC 400 provides a provisioning option for portability and pooled TN correction for MMS and future IP-based mobile and fixed services.
 - The NPAC is the only database that can provide timely and accurate portability and pooling updates for any other routing database approaches on a non-discriminatory and industry-wide basis.
 - NANC 400 provides the necessary granularity needed to solve growing issues with resellers and Mobile Virtual Network Operators (MVNOs).
 - NANC 400 facilitate routing to the correct wholesale or retail service providers, which is particularly common in the VoIP industry, by differentiating between Service Providers (*i.e.*, Retail Providers) and Network Facilities Providers (*i.e.*, Wholesale).

It is Premature to Eliminate NANC 400 as an Option

- NANC 400 is within the scope of the NPAC to provision
 - There is precedent to include NPAC data fields to provision non-call related routing services like LIDB, CLASS, CNAM, and routing data for “data services” such as ISVM and SMS.
- Inclusion of NANC 400 in an inactive state is **more timely and cost effective** than a subsequent implementation as a single Change Order. It also preserves the option of a subset of NPAC users’ choice to implement and pay for this option. Existing solutions do NOT resolve portability corrected URI provisioning and efficient service discovery, i.e. MMS vs. POC vs. IP vs. WiFi.
- Inclusion of the NANC 400 data fields in the NPAC will be complementary to any public or private ENUM implementation.
 - The business need has yet to be explicitly defined, and thus it would be premature to eliminate this option.
 - The NANC 400 fields would be available on a non-discriminatory basis to all NPAC users (carriers and vendors), and thus would not interfere with any future public or private implementation of ENUM.
- Given there are no SS7 signaling standard impacts, the ATIS PTSC acknowledged their misunderstanding and withdrew their concern.
- Inclusion of NANC 400 capability in the NPAC will not affect or prejudice the outcome of the IP NPRM.
 - NANC 400 does not create a new category of service providers or services.
- **The FCC should remove its “abeyance” of NANC 400 and allow NANC 400 to be included in an “inactive state” in NPAC Release 3.3 per Step One since there are no policy or regulatory reasons for “abeyance” to continue.**

An FCC Decision is Time Critical

ACTION REQUIRED	DATE/TIME FRAME	
NANC requested response on 399 and 400	1-Aug	
NAPM LLC meeting notice requirement for vote	5 days	
NeuStar Statement of Work (SOW) for the 7 NPAC Regions		
LLC supermajority vote to include Change Order in SOW 49		
Deadline for NPAC Release 3.3 software coding	August 17	

Recommendations

- Given the broad consensus for NANC 399 by all NANC committees, the FCC should withdraw its abeyance and allow NANC 399 to be included in NPAC Release 3.3 in an “inactive state”
- The FCC should also withdraw its abeyance of NANC 400 and allow it to be included in NPAC Release 3.3 in an “inactive state” since half the industry wants this functionality as an available future “option.”
- The FCC should act immediately to withdraw its “abeyance” of NANC 399 and 400 because the deadline for NPAC Release 3.3 software coding is August 17, 2005.